

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Brian Paul Yarborough

Docket No. 5:14-CR-286-1FL

Petition for Action on Supervised Release

COMES NOW Debbie W. Starling, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brian Paul Yarborough, who, upon an earlier plea of guilty to Possessed with Intent to Distribute Alprazolam "Xanax", in violation of 21 U.S.C. 841(a)(1) & (b)(2), and Carried Firearm During Drug Trafficking Crime, in violation of 18 U.S.C. §§ 924(c)(1)(A)(i) & (B)(i), was sentenced by the Honorable Frank W. Bullock Jr., U.S. District Judge, on August 5, 2004, in the Middle District of North Carolina, to the custody of the Bureau of Prisons for a term of 126 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Brian Paul Yarborough was released from custody on November 8, 2013, at which time the term of supervised release commenced in the Eastern District of North Carolina.

The defendant tested positive for marijuana on September 23, 2014, the Middle District of North Carolina was notified, and transfer of jurisdiction was requested and proceedings were initiated. The defendant was continued on supervision and transfer of jurisdiction to the Eastern District of North Carolina was finalized on December 15, 2014.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 4, 2014, (after transfer of jurisdiction proceedings were initiated but prior to the finalization), the defendant submitted a drug screen which proved positive for marijuana. On November 18, 2014, he reported to the probation office and admitted that he smoked marijuana during the week of October 16, 2014. He attributed his relapse to lack of employment and associating with old friends. He secured fulltime employment on November 17, 2014, and has expressed remorse for his relapse. All subsequent drug screens since November 4, 2014, have yielded negative results. Yarborough continues to participate in outpatient substance abuse treatment and is tested randomly through the Surprise Urinalysis Program. As a punitive sanction for his drug use, it is respectfully recommended that his conditions be modified to include 2 days in jail, and DROPS, second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Debbie W. Starling

Debbie W. Starling

U.S. Probation Officer

310 Dick Street

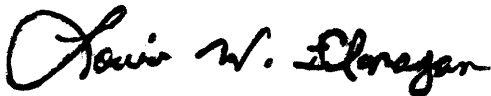
Fayetteville, NC 28301-5730

Phone: 910-354-2536

Executed On: January 14, 2015

ORDER OF THE COURT

Considered and ordered this 14th day of January, 2015 and ordered filed and made a part of the records in the above case.



Louise W. Flanagan

U.S. District Judge